

**GOVERNMENT OF TELANGANA
ABSTRACT**

POLICE – High Court orders dated:8.10.2013 in W.P. Nos.21610/2007 and batch cases for fixation of seniority for AR/SARCPL Police Constables who are appointed by transfer from PCs of TSSP – Formula proposed – Accepted – Orders – Issued.

HOME (LEGAL) DEPARTMENT

G.O.MS.No. 16

Dated: 20-3-2015

Read the following:-

1. G.O.Ms. No.1263, G.A. (Rules) Department, dt:26.8.1959
2. G.O.Ms.No.54, Home (Legal.II) Department, dated:18.2.2013
3. Hon'ble High Court orders dt:8.10.2013 in W.P. Nos.21610/2007 and batch cases
4. From the Director General of Police, Telangana, Hyderabad
Lr. Rc. No.340/E2/2014-1, dated:3.7.2014

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ORDER:-

In his letter 4th read above, the Director General of Police, Telangana, Hyderabad, has stated that Government in the reference 1st read above, issued Police Sub-Ordinate Service Rules from the rank of PC to Sub-Inspector for different organizations in Police Department. Provisions were made for fixation of seniority to the individuals who were appointed by transfer as follows:

Rule 15 (c): "The transfer of a person from one class or category of service to another class or category carrying the same pay or scale of pay shall not be treated as first appointment to the latter for purposes of seniority and the seniority of person so transferred shall be determined with reference to the date of his first appointment to class or category from which he was transferred. Where any difficulty or doubt arises in applying this sub-rule, seniority shall be determined by the appointing authority".

Rule 15 (e): "The seniority of qualified Special Policemen appointed by transfer as Constables in this service shall be determined by the date of their first appointment in this service for purposes of confirmation in vacancies in this service"

2. Seniority of PCs (AR)/ PCs (SARCPL) who were appointed by transfer from PCs (TSSP) was fixed from the date of initial appointment as PC (TSSP) by following the Rule 15 (c) for all districts except Medak and Warangal districts. In these districts also for some time the Rule 15 (c) was followed. In the year 2006, in Warangal and Medak Districts direct recruit ARPCs and Converttee AR PCs approached the Hon'ble APAT and High Court and obtained "Status-Quo-Orders", due to which promotions were not affected from the rank to ARPCs to AR HCs from the year 2006 till today in Warangal and Medak districts.

3. Meantime, due to above court litigations, decision was taken to delete the rule 15 (e) and proposal was sent to Government. Government has issued amendment to Andhra Pradesh Police Subordinate Service Rules issued in G.O. Ms. No.1263, G.A. (Rules) Department, dt:26.8.1959 vide G.O. Ms.No.54, Home (Legal-II) Department, dt:18.2.2013 and deleted the rule 15 (e).

4. The Hon'ble APAT in its order dt:23.8.2007 in O.A.Nos.2352/2007 and other cases directed that the seniority of PCs (AR) those were appointed by transfer from PCs (TSSP) shall be determined from the date of confirmation in the service of DAR in terms of Rule 15 (e).

Pto—

5. Against the Hon'ble APAT orders, W.P. Nos.21610/2007, 24847/2007, 26765/2011, 31595/2012, 33217/2012 and 18254/2013 were filed in Hon'ble High Court. The Hon'ble High Court in its order dt:8.10.2013 in the said W.Ps. has observed as follows:

"Once the transfer is from one service to another, it is fundamental that the person, who enters through such a procedure, must take the seniority, immediately after the direct recruits of the contemporary period, or at least from the date of their entry into that service. The service rendered by such persons in their parent organization can, certainly, be counted towards pension and other benefits. In a given case, even Pay protection can be extended. However, the seniority of the persons, who were already working in the service to which those appointed in other service are transferred, cannot be adversely effected".

"This much, however, can be said that instead of extending benefit of the entire service rendered by the Constables of the Special Battalions, on being appointed on transfer as ARs, feasibility of extending the benefit of weightage, subject to certain limit, can be considered. This, however, is a matter that needs to be examined by the Government, without any further loss of time. A balanced approach would keep the morale of the petitioners on one hand, the respondents on the other, intact. Any one sided decision in favour of either of them, would not at all promote the efficiency in the service".

6. Finally the Hon'ble High Court issued following orders:

- a) uphold the orders of the Tribunal impugned in the Writ Petitions and
- b) direct the Government to consider the feasibility of evolving a formula to extend the benefit of weightage of service rendered by the AR PCs who were appointed by transfer from TSSP PCs subject to certain limit duly taking into account the interests of the Constables appointed by direct recruitment
- c) and further direct that this exercise shall be completed within a period of four months from today. Till such time that a formula is evolved, the reversions, which are warranted on account of implementation of orders passed by the Tribunal, shall stand stayed.

7. The said Hon'ble High Court orders are applicable only for the promotions given as on 18.2.2013 from PC of AR/SARCPL to HCs of AR/SARCPL since Government has deleted the Rule 15 (e) in G.O. Ms.No.54, Home (Legal-II) Department, dated:18.2.2013. Hence, it is required that a common policy be adopted for fixation of seniority in respect of AR PCs/SARCPL PCs who were appointed by transfer from TSSP PCs as on 18.2.2013 as per Hon'ble High Court orders.

8. The Director General of Police, Telangana, Hyderabad, has therefore, **proposed** the following formula for fixation of seniority in respect of AR PCs/SARCPL PCs appointed by transfer from TSSP:

"Shall be given a weightage of one year for every completed two years of service rendered in PC TSSP, subject to a maximum of seven years. For the purpose of calculation of weightage under this clause, fractions, if any are to be ignored".

Date of fixation of seniority: If length of service of PC TSSP is above 13 years and less than 14 years, then weightage is 6 years. If the date of appointment as PC AR is 18.01.2014 then date of fixation of seniority is 18.01.2008.

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9. The Director General of Police, Telangana, Hyderabad, has therefore, requested the Government to approve the above said formula for fixation of seniority for AR PCs/SARCPL PCs who were appointed by transfer from TSSP PCs. He has requested for early orders in the matter.

10. After careful examination of the matter, Government hereby approve the proposal of the Director General of Police, Telangana, Hyderabad, for fixation of seniority in respect of AR PCs/SARCPL PCs appointed by transfer from TSSP.

11. The Director General of Police, Telangana, Hyderabad, is further requested to take necessary action to adapt existing A.P. Police Sub-ordinate Services Rules as amendments issued up to 01.06.2014 with suitable modifications to the State of Telangana, and furnish necessary proposals to the Government in due course.

12. The Director General of Police, Telangana, Hyderabad, shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**B.VENKATESHAM
SECRETARY TO GOVERNMENT**

To
The Director General of Police, Telangana, Hyderabad
Copy to:-
The Govt. Pleader for Services (TS),
High Court of Telangana, Hyderabad
The Accountant General, Telangana, Hyderabad
The Director of Treasuries & Accounts, Telangana, Hyderabad
Home (Ser-II) Section
Home (Legal) Department, Govt. of A.P.
PS to Minister (Home)
PS to C.S.
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER